

# **EXHIBIT I**

## **Deposition of Terry Wilson**

Transcript of the Testimony of  
Terry Wilson

**Date:** September 25, 2007

**DANIEL B. KELLY  
vs.  
RICKY OWENS**

Printed On: October 18, 2007

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## Daniel Court Reporting, Inc.

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA SOUTHERN DIVISION</p> <p>DANIEL BRYAN KELLY,        )                                   ) Plaintiff,                    )                                   ) vs.                            ) Civil Action No.                                   ) 2:50-CV-011150-MHT                                   ) RICKY OWENS, et al.,       )                                   ) Defendant.                    )</p> <p style="text-align: center;">DEPOSITION OF TERRY WILSON</p> <p style="text-align: center;">S T I P U L A T I O N S</p> <p style="text-align: center;">IT IS STIPULATED AND AGREED, by and between the parties through their respective counsel, that the deposition of TERRY WILSON may be</p>	<p style="text-align: right;">3</p> <p>1 trial, or at the time said 2 deposition is offered in evidence, 3 or prior thereto. 4 IT IS FURTHER STIPULATED AND 5 AGREED that notice of filing of the 6 deposition by the Commissioner is 7 waived. 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>
<p style="text-align: right;">2</p> <p>1 taken before Sandra Peebles Daniel, 2 Commissioner, Notary Public, State 3 at Large, at the Coosa County 4 Courthouse, Courthouse, One Main 5 Street, Rockford, Alabama 35136, on 6 the 25th day of September, 2007, 7 beginning at approximately 2:45 p.m. 8 IT IS FURTHER STIPULATED AND 9 AGREED that the reading of and 10 signature to the deposition by the 11 witness is waived, the deposition to 12 have the same force and effect as if 13 full compliance had been had with 14 all laws and rules of Court relating 15 to the taking of depositions. 16 IT IS FURTHER STIPULATED AND 17 AGREED that it shall not be 18 necessary for any objections to be 19 made by counsel to any questions, 20 except as to form or leading 21 questions, and that counsel for the 22 parties may make objections and 23 assign grounds at the time of the</p>	<p style="text-align: right;">4</p> <p style="text-align: center;">I N D E X</p> <p>1 EXAMINATION BY: PAGE: 2 Mr. Stockham ..... 7-105 3 Ms. McDonald ..... 105-112 4 Mr. Willford ..... 112-119 5 Mr. Stockham ..... 119-120 6 7 8 9 10 E X H I B I T S 11 No exhibits were marked for 12 identification or offered as 13 exhibits to this deposition. 14 15 16 17 18 19 20 21 22 23</p>

1 (Pages 1 to 4)

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5	7
1 APPEARANCES	1 having first been duly sworn, was
2	2 examined and testified as follows:
3 BEFORE:	3
4 Sandra Peebles Daniel,	4 EXAMINATION BY MR. STOCKHAM:
5 Commissioner, Notary Public	5 Q. What's your name, please,
6	6 sir?
7 FOR THE PLAINTIFF:	7 A. Terry Lee Wilson.
8 Mr. Richard J. Stockham, III	8 Q. And where do you live?
9 STOCKHAM, CARROLL & SMITH, P.C.	9 A. Here in Rockford.
10 2204 Lakeshore Drive	10 Q. How long have you lived
11 Suite 114	11 here?
12 Birmingham, Alabama 35209	12 A. Twelve years. Since '95.
13	13 Q. Where did you live before
14 FOR THE DEFENDANT:	14 that?
15 Ms. Kristi McDonald	15 A. A short time with my mom
16 McDONALD & McDONALD	16 in Sylacauga, six months, while I
17 1005 Montgomery Highway	17 was building my house. Before that
18 Birmingham, Alabama 35216	18 all over the world, military.
19	19 Q. How old are you?
20 Mr. Gary L. Willford	20 A. Fifty-three.
21 WEBB & ELEY	21 Q. And did you go to high
22 7475 Halcyon Pointe Dr.	22 school --
23 Montgomery, Alabama 36124	23 A. Yes, sir.
6	8
1 I, Sandra Peebles Daniel, a	1 Q. -- here?
2 Court Reporter of Birmingham,	2 A. Graduated from B.B. Comer
3 Alabama, Notary Public, State at	3 in Sylacauga.
4 Large, acting as Commissioner,	4 Q. What year?
5 certify that on this date, as	5 A. '72.
6 provided by Rule 30 of the Alabama	6 Q. Did you go to college?
7 Rules of Civil Procedure, and the	7 A. Went off into the military
8 foregoing stipulation of counsel,	8 right after graduation from high
9 there came before me at the Coosa	9 school and attended college
10 County Courthouse, Courthouse, One	10 throughout my career through the
11 Main Street, Rockford, Alabama	11 community college of the Air Force.
12 35136, on the 25th day of September,	12 Q. You were in the Air Force?
13 2007, at or about 2:45 p.m., TERRY	13 A. Yes, sir.
14 WILSON, witness in the above cause,	14 Q. From when to when?
15 for oral examination, whereupon the	15 A. '72 to '95.
16 following proceedings were had:	16 Q. And what did you do in the
17	17 Air Force?
18 THE COURT REPORTER: Usual	18 A. Mostly -- my twenty-two
19 stipulations?	19 years was mostly in command and
20 MS. McDONALD: Yeah.	20 control and communications.
21 MR. STOCKHAM: Yes.	21 Q. What is that --
22	22 A. Career field. Command
23 TERRY WILSON,	23 post. Command center operations.

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<p>9</p> <p>1 Q. Explain that for me --</p> <p>2 A. A nerve center of sorts.</p> <p>3 Each base has a command post for</p> <p>4 all communications and dispatching</p> <p>5 and managing and monitoring all the</p> <p>6 activities and events that go on</p> <p>7 for the air wing and staff of that</p> <p>8 base. And so you have constant</p> <p>9 communications coming through the</p> <p>10 nerve center, command center. And</p> <p>11 I was one of those employees that</p> <p>12 would work in the command post on a</p> <p>13 console, like a dispatching center.</p> <p>14 Q. What rank did you attain?</p> <p>15 A. Retired as an E-8, senior</p> <p>16 master sergeant.</p> <p>17 Q. Is that a non-commissioned</p> <p>18 officer?</p> <p>19 A. Non-commissioned officer.</p> <p>20 Q. Are you married?</p> <p>21 A. Yes, sir.</p> <p>22 Q. To whom are you married?</p> <p>23 A. Her name is Randi Jo</p>	<p>11</p> <p>1 she's recently married, three years</p> <p>2 ago, a Warner. Terra Warner now.</p> <p>3 Q. Where does she live?</p> <p>4 A. Omaha, Nebraska.</p> <p>5 Q. Did you have any</p> <p>6 employment while you were in the</p> <p>7 military outside of working for the</p> <p>8 government?</p> <p>9 A. I did. I'm trying to</p> <p>10 think of the couple of different</p> <p>11 places. Part-time work only. The</p> <p>12 one that sticks in my mind during</p> <p>13 that twenty-two years of</p> <p>14 significant value was when I worked</p> <p>15 part-time security at Sears and</p> <p>16 Roebuck in Honolulu, Hawaii as a</p> <p>17 security agent.</p> <p>18 Q. In Honolulu?</p> <p>19 A. Yes, sir.</p> <p>20 Q. How long were you there?</p> <p>21 A. Just over four years.</p> <p>22 Q. You said that there was a</p> <p>23 couple. What was the other?</p>
<p>10</p> <p>1 Wilson.</p> <p>2 Q. And how long have you been</p> <p>3 married?</p> <p>4 A. Tough questions. Eighteen</p> <p>5 years.</p> <p>6 Q. Do you have kids?</p> <p>7 A. I do. I have one</p> <p>8 daughter.</p> <p>9 Q. How old is she?</p> <p>10 A. Thirty.</p> <p>11 Q. Prior marriage?</p> <p>12 A. Prior marriage.</p> <p>13 Q. To whom were you married?</p> <p>14 A. Her name was Nell Wilson.</p> <p>15 Her maiden name was Cain. Nell</p> <p>16 Cain.</p> <p>17 Q. Is she from here?</p> <p>18 A. Sylacauga.</p> <p>19 Q. Does she still live here?</p> <p>20 A. Lives in Omaha, Nebraska.</p> <p>21 Q. What's your daughter's</p> <p>22 name?</p> <p>23 A. Terra. Was Wilson. Now,</p>	<p>12</p> <p>1 A. Dishwasher at the NCO</p> <p>2 club.</p> <p>3 Q. How long did you work</p> <p>4 there?</p> <p>5 A. A few months. Trying to</p> <p>6 make some extra money.</p> <p>7 Q. Any other jobs?</p> <p>8 A. During the military?</p> <p>9 Q. Yes, sir.</p> <p>10 A. Not that I recall. I</p> <p>11 don't recall anything else there</p> <p>12 that -- I had another employment --</p> <p>13 I worked for another employer after</p> <p>14 I retired.</p> <p>15 Q. Who was that?</p> <p>16 A. For the ServePro cleaning</p> <p>17 and restoration business in</p> <p>18 Birmingham, Alabama.</p> <p>19 Q. When did you work there?</p> <p>20 A. Upon retirement from</p> <p>21 January of '95 to July of '95, six</p> <p>22 months.</p> <p>23 Q. And what did you do next?</p>

3 (Pages 9 to 12)

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<p>13</p> <p>1 A. I became a deputy sheriff 2 here in Coosa County in July of 3 '95. 4 Q. Is that when you built 5 your home here? 6 A. Yes, sir. Moved in my 7 home in September, October here, 8 '95. 9 Q. And who was the sheriff 10 who hired you? 11 A. Sheriff William Evans. 12 Q. And what were you hired 13 as? 14 A. Deputy sheriff. 15 Q. To work where? 16 A. Work the entire county as 17 a deputy sheriff. 18 Q. You were on the road? 19 A. Yes, sir. Started out on 20 the road performing deputy sheriff 21 duties. 22 Q. And have you been working 23 as a full-time employee with the</p>	<p>15</p> <p>1 management practices. 2 Q. What do you mean by that? 3 A. I became dissatisfied with 4 the way that the department was 5 being managed by the current 6 sheriff. 7 Q. What does that mean, 8 dissatisfied? What did you -- 9 A. I just -- he was making 10 decisions and things that I just 11 didn't feel like that was -- you 12 know, that I wanted to go in that 13 direction. So -- 14 Q. Give me an example of what 15 you're talking about. I'm having a 16 hard time -- 17 A. Okay. One example would 18 be that he, Sheriff Ricky Owens, 19 announced, I think in July of '04, 20 that he was bringing in a new chief 21 deputy, someone from outside the 22 county, to come in and start 23 running the operation. And I felt</p>
<p>14</p> <p>1 Coosa County Sheriff's Department 2 ever since? 3 A. No, sir. Had a break -- 4 Q. When did you have a break? 5 A. In August of '04. And I 6 became the sheriff here this year, 7 January of this year. 8 Q. January, '07? 9 A. Yes, sir. 10 Q. So from January -- from 11 August '04 to January '07 what did 12 you do? 13 A. Took care of honey-dos. I 14 did a little bit of part-time work 15 for ServePro -- 16 Q. Why did you leave? 17 A. -- for about four or five 18 months -- I mean, for a couple or 19 three months or so. It wasn't a 20 long time. 21 Q. Why did you leave in 22 August of '04? 23 A. Dissatisfied with the</p>	<p>16</p> <p>1 like that -- I was the lieutenant 2 at the time and I felt like that I 3 should have that opportunity and I 4 didn't get the nod. So that was 5 the primary reason why I left. 6 Q. Who was given the job of 7 new chief deputy? 8 A. I can't recall his name. 9 He was a guy not from around here. 10 I think he was from Montgomery 11 County, as I recall. 12 Q. Other than bringing in a 13 new chief deputy and you not 14 getting the job was there anything 15 else that you didn't like? 16 A. Well, there was -- it was 17 just -- it was just -- the biggest 18 -- that was the biggest issue, is 19 I, you know, got overlooked. Other 20 things were just small things. I 21 mean, there was nothing -- it was 22 just -- that was the biggest issue 23 with me at that time.</p>

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<p style="text-align: right;">17</p> <p>1 Q. Well, what other small 2 things were there that -- 3 A. He was -- he had -- in 4 that decision to bring on board 5 this new chief deputy he was asking 6 me to do additional training for 7 other folks and do a lot more work. 8 And so I just felt that that was -- 9 wasn't quite right. 10 Q. Other than bringing 11 someone else in and asking you to 12 do additional training was there 13 anything else that you had an issue 14 with? 15 A. No, sir. That was the -- 16 those -- that was the issue of me 17 just going ahead and resigning. 18 Q. So this was something that 19 just came up in July of '04? 20 A. Yes, sir, as I recall. It 21 was in July. It was the month 22 prior. It -- in fact it was right 23 at the end of July. And he just</p>	<p style="text-align: right;">19</p> <p>1 have duties -- what were your 2 duties? 3 A. I worked -- I actually -- 4 in the beginning when I was -- 5 became a lieutenant I had three 6 primary duties. You'd have to 7 understand that we're a small 8 department and we have to do a lot 9 of things. I was the D.A.R.E. 10 officer for the entire county at 11 the beginning of the -- my 12 lieutenant promotion. And so that 13 was a part-time duty. And then I 14 was asked to become the jail 15 administrator along with the -- 16 being the D.A.R.E. officer. And 17 probably just as important was the 18 day shift deputy. I shared the day 19 shift duties with the chief, Chief 20 Deputy Brett Oaks. So basically 21 three duties. 22 Eventually we were able to 23 pass on the D.A.R.E. program to one</p>
<p style="text-align: right;">18</p> <p>1 came in and announced one day at a 2 -- he said, we want to have a staff 3 meeting and he announced it. And 4 it was pretty abrupt. I mean, it 5 happened that quick. Had no idea 6 that it was going to happen. 7 Q. Tell me -- you say at that 8 time you were the lieutenant. 9 A. Yes, sir. I had -- I held 10 the rank of lieutenant then. 11 Q. Were you -- was there 12 anyone above you between you -- 13 A. Yes, sir. 14 Q. -- and the sheriff? 15 A. The chief deputy. 16 Q. Who was the chief deputy? 17 A. Chief Brett Oaks. 18 Q. What happened to Mr. Oaks? 19 A. He moved on that same day 20 that decision was made. Went back 21 to work for Wetumpka -- went to 22 work for Wetumpka PD. 23 Q. As the lieutenant did you</p>	<p style="text-align: right;">20</p> <p>1 of the other officers. So then I 2 was -- I only had the two duties, 3 acting jail administrator, but also 4 was the day shift lieutenant 5 deputy. 6 Q. When were you promoted to 7 the position of lieutenant? 8 A. In January of '03. 9 Q. Prior to that time what 10 had your position been? 11 A. Sergeant. 12 Q. And what were your duties 13 as a sergeant? 14 A. Number two man in charge. 15 Q. Behind? 16 A. Bill Evans. And so that 17 -- you know, just in charge of 18 making all -- helping to run the -- 19 run everything, deputies and 20 jailers and everything. 21 Q. You went from being the 22 number two man as the sergeant to 23 becoming the number three person --</p>

5 (Pages 17 to 20)



<p style="text-align: right;">21</p> <p>1 A. Yes, sir. 2 Q. -- as the lieutenant? 3 A. Yes, sir. That's because 4 there was a shift change in 5 leadership. 6 Q. When was there a shift 7 change in leadership? 8 A. Sheriff Bill Evans 9 retired. And so Sheriff Ricky 10 Owens ran and became the sheriff in 11 January. 12 Q. Of '03? 13 A. Of '03. 14 Q. And so he brought in Mr. 15 Oaks above you? 16 A. Yes, sir. 17 Q. And at that point he gave 18 you the three duties of -- that 19 you've described -- 20 A. Yes, sir. 21 Q. -- D.A.R.E. officer, jail 22 administrator and day shift deputy? 23 A. Yes, sir.</p>	<p style="text-align: right;">23</p> <p>1 part, via the phone day to day. 2 Now, there was times when 3 I would be in the jail and check on 4 things, you know, do walk-throughs 5 and that sort of thing. But for 6 the most part day to day it was 7 handling the calls. 8 Q. So was it mostly a day 9 shift job? 10 A. The day shift deputy, yes, 11 sir. 12 Q. Yes, sir. But, I mean -- 13 I mean, you were -- the three 14 things that you did, did you do 15 them mostly on day shift? 16 A. Oh, yes, sir. They were 17 all done during daytime, yes, sir. 18 Q. And your -- who was under 19 you? 20 A. The deputies, the road 21 deputies were certainly below me as 22 far as on the deputy side of the 23 structure.</p>
<p style="text-align: right;">22</p> <p>1 Q. Now, were you -- as of 2 January, '03, would you spend most 3 of your time -- where? 4 A. Most of my time was spent 5 on the road going from call to 6 call, taking care of the folks. 7 Q. Now, when you were 8 functioning as jail administrator 9 you were on the road? 10 A. Yes, sir. 11 Q. How did that work? 12 A. As far as being the jail 13 administrator I would be notified 14 if there was a problem or had -- if 15 there was a question about 16 something that was -- that had come 17 up that my -- the jail staff 18 couldn't handle. So I would be 19 called and asked about it or asked, 20 you know, what they thought or what 21 I needed to, you know, make a 22 decision about. So I kind of did 23 jail administrator, for the most</p>	<p style="text-align: right;">24</p> <p>1 Q. Sure. And how many 2 deputies were there in 2003? 3 A. I think there was four 4 additional -- what we call the road 5 deputies. I think there was four 6 out there. 7 Q. And now there are eight? 8 A. There's a total of eight 9 of us now, a total of eight 10 deputies total. But that's -- that 11 includes your chief deputy, your 12 investigator and -- total of eight 13 now. 14 Q. Okay. 15 A. Yes, sir. There is -- 16 Q. Was that true then -- 17 A. We've got six on the road 18 now. 19 Q. You have six. And you -- 20 A. Yeah. 21 Q. But it was four back then? 22 A. I think it was four, sir. 23 It could have been five. I'm not</p>

6 (Pages 21 to 24)



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<p>25</p> <p>1 sure.</p> <p>2 Q. Did you have a chief</p> <p>3 deputy at that time?</p> <p>4 A. Yes, sir, Brett Oaks.</p> <p>5 Q. Was that Mr. Oaks?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And then you as the</p> <p>8 lieutenant?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And then there would be</p> <p>11 four others?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And now there are two</p> <p>14 additional?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Now -- well --</p> <p>17 (Whereupon, an</p> <p>18 off-the-record</p> <p>19 discussion was held.)</p> <p>20 Q. (By Mr. Stockham) Now,</p> <p>21 when -- who was the person</p> <p>22 responsible at the jail when you</p> <p>23 were the -- in the position of jail</p>	<p>27</p> <p>1 so everybody referred to her as a</p> <p>2 sergeant. But she was the</p> <p>3 assistant jail administrator in</p> <p>4 essence.</p> <p>5 Q. Did y'all have a captain</p> <p>6 or anything like that?</p> <p>7 A. No, sir.</p> <p>8 Q. So the other people below</p> <p>9 her were called corporal?</p> <p>10 A. Corporals.</p> <p>11 Q. And those were the lead</p> <p>12 people on --</p> <p>13 A. Yes, sir. They were the</p> <p>14 shift leaders. The guys that --</p> <p>15 there was a corporal identified on</p> <p>16 each shift during that time frame</p> <p>17 that had a good understanding, had</p> <p>18 some experience, and they were</p> <p>19 promoted to the corporal positions,</p> <p>20 kind of the person in charge of the</p> <p>21 shift.</p> <p>22 Q. How many people were --</p> <p>23 you told me you had four on the</p>
<p>26</p> <p>1 administrator?</p> <p>2 A. Yes, sir. That would have</p> <p>3 been Sergeant Wendy Roberson.</p> <p>4 Q. From -- when did she</p> <p>5 become the person responsible for</p> <p>6 the jail?</p> <p>7 A. Oh. When I became the</p> <p>8 jail administrator that's when we</p> <p>9 kind of put the rank positions into</p> <p>10 her effect, her being recognized as</p> <p>11 a sergeant. And then we also had</p> <p>12 some of the shift leaders being</p> <p>13 corporals. And so that all happened</p> <p>14 in that first few weeks or month or</p> <p>15 so after becoming the new sheriff</p> <p>16 with Ricky Owens and myself as the</p> <p>17 new jail administrator.</p> <p>18 Q. Now, Ms. Roberson became</p> <p>19 the -- I guess the position was</p> <p>20 what, assistant jail administrator?</p> <p>21 A. Assistant jail</p> <p>22 administrator, yes, sir. We called</p> <p>23 -- we gave her the rank of sergeant</p>	<p>28</p> <p>1 road, you and then the chief</p> <p>2 deputy. How many people were in</p> <p>3 the jail at that particular time?</p> <p>4 A. I don't think that's</p> <p>5 changed much. There's a standard</p> <p>6 of eight shift workers, two on each</p> <p>7 shift. So there's four on days,</p> <p>8 two working or -- and then there's</p> <p>9 two off. And there's four on</p> <p>10 nights, two working and two off.</p> <p>11 So that was -- that's your -- your</p> <p>12 core was your eight folks there.</p> <p>13 In addition to that we had</p> <p>14 a sergeant and a -- what we called</p> <p>15 a day shift corporal, too. He was</p> <p>16 her assistant.</p> <p>17 Q. Who would that be?</p> <p>18 A. That came a little bit</p> <p>19 later. I don't think it was</p> <p>20 initially. I think we may have</p> <p>21 obtained that later. But that</p> <p>22 would have been -- and I'm trying</p> <p>23 to recall if it was somebody before</p>

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<p style="text-align: right;">29</p> <p>1 him. But I remember Steve Hay 2 being there. Other than that I 3 don't remember if there was anybody 4 else there holding that position or 5 not at the time. Steve hay for 6 sure. 7 Q. And Mr. Hay was the person 8 who was responsible for -- what? I 9 mean, if he was the day shift -- 10 A. Assisting -- since I was 11 on the road most of the time those 12 two folks, the sergeant and the 13 corporal, kind of managed the jail. 14 He assister her. 15 Q. In addition to the people 16 who were on the -- 17 A. And they -- 18 Q. -- shift? 19 A. Yeah, that's right. They 20 would assist the two day shift 21 folks that would -- the one being 22 in the tower and one being down on 23 the floor. Yes, sir.</p>	<p style="text-align: right;">31</p> <p>1 Q. And do you -- who made the 2 decision that an additional person 3 would be added? 4 A. I'm assuming that the 5 sheriff made that decision, you 6 know, and -- 7 Q. Wasn't something you were 8 making the decision about? 9 A. We were -- you know, 10 certainly -- I can't recall who 11 made the decision. I know it just 12 happened. I mean, you know, it may 13 have been something we talked about 14 and asked the commission to be -- 15 to grant us enough salary in our -- 16 in the budget to do that with. I 17 mean, you know, it just worked out. 18 Q. Now, I've noticed in these 19 reports -- we'll look, for example, 20 here, the day shift report in the 21 lower right-hand corner. Is that 22 your signature that's on the -- 23 A. Yes, sir. TW, that would</p>
<p style="text-align: right;">30</p> <p>1 Q. And was there anyone at 2 night? 3 A. No, sir. We had -- I 4 think -- somewhere in that time 5 period I believe we were able to 6 pick up a -- one part-time 7 dispatching position. And so 8 occasionally we had a part-time 9 person helping some at night but 10 not -- not every much. 11 Q. Where would the 12 dispatching person be located? 13 A. Sometimes -- I mean, it 14 would be another third person 15 occasionally. 16 Q. Okay. 17 A. But that -- that was -- 18 I'm not even sure it happened until 19 later, you know, in life. But I 20 recall that there was a part-time 21 position granted -- a part-time 22 position to be -- person to be -- 23 helped out in the dispatching area.</p>	<p style="text-align: right;">32</p> <p>1 be me. 2 Q. And it's got two others. 3 Who are those signatures? 4 A. The one on the right, I'm 5 fairly confident that would be 6 Wendy Roberson. I don't have a 7 clue who the other one is. 8 Q. It looks like a BS. Do 9 you know anybody with the initials 10 BS? 11 A. BS? 12 Q. Uh-huh. 13 A. That would -- that would 14 probably be Brandon Stroud. 15 Q. Was Brandon Stroud someone 16 who would sign off on these? 17 A. He worked there. 18 Q. Was he in a position of 19 supervision? 20 A. No, sir. I don't recall 21 him being in that position of 22 supervision. 23 Q. And do you remember what</p>

8 (Pages 29 to 32)

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<p style="text-align: right;">33</p> <p>1 position he was in?</p> <p>2 A. I think he was one of the</p> <p>3 shift workers. Could have been on</p> <p>4 day shift. I'm not sure if he was</p> <p>5 nights or days.</p> <p>6 Q. Why was he signing off on</p> <p>7 these logs?</p> <p>8 A. I can't answer that, sir.</p> <p>9 I don't --</p> <p>10 Q. What was the practice of</p> <p>11 you signing off on the logs?</p> <p>12 A. Trying to -- keeping me</p> <p>13 abreast of what was going on in the</p> <p>14 jail. That was, you know, a</p> <p>15 routine that I established with the</p> <p>16 sergeant, was that she -- when</p> <p>17 she'd come in in the daytime to go</p> <p>18 -- to look through everything and</p> <p>19 she would pass the logs to me. And</p> <p>20 at some point during the day when I</p> <p>21 would come into the office I would</p> <p>22 look through and sign off saying</p> <p>23 that we knew what was going on.</p>	<p style="text-align: right;">35</p> <p>1 something I was doing. But I had</p> <p>2 knowledge of -- at the time how</p> <p>3 that kind of went.</p> <p>4 Q. Who knew how that went?</p> <p>5 A. The sergeant and the</p> <p>6 corporal, the two guys that kind of</p> <p>7 ran that for me.</p> <p>8 Q. Which corporal?</p> <p>9 A. Hay would be one of them.</p> <p>10 Q. Anyone else other than</p> <p>11 Wendy Roberson?</p> <p>12 A. No, sir. Wendy Roberson</p> <p>13 would be the primary.</p> <p>14 Q. Al Bradley was a corporal</p> <p>15 but he obviously didn't know about</p> <p>16 it.</p> <p>17 A. Yeah, he was just -- he</p> <p>18 was the corporal on that day shift,</p> <p>19 you know, when he was on shift --</p> <p>20 on the twelve hour shift.</p> <p>21 Q. Now, what procedures did</p> <p>22 you have in the jail at that</p> <p>23 particular time?</p>
<p style="text-align: right;">34</p> <p>1 Q. Well, one of the things</p> <p>2 that I asked about and Mr. Bradley</p> <p>3 didn't know was the -- apparently</p> <p>4 there are -- there is a tape of the</p> <p>5 cameras. Do you have -- do you</p> <p>6 retain copies of all of those?</p> <p>7 A. The system -- as I recall,</p> <p>8 the system we had then is not the</p> <p>9 system we have now. And the system</p> <p>10 we had then was pretty antiquated.</p> <p>11 It was VHS tapes. And as I recall</p> <p>12 -- I think we had -- and I am not</p> <p>13 exactly sure about this because I</p> <p>14 didn't do the day-to-day operation.</p> <p>15 But I believe there was a tape for</p> <p>16 each day, thirty days of tapes or</p> <p>17 thirty-one days -- tapes. And so I</p> <p>18 think they rotated that. So that</p> <p>19 was retained for thirty days.</p> <p>20 Q. They would tape over</p> <p>21 the --</p> <p>22 A. Yes, sir. And I -- that's</p> <p>23 a little fuzzy because that's not</p>	<p style="text-align: right;">36</p> <p>1 A. Shortly after I became the</p> <p>2 jail administrator I developed --</p> <p>3 revised the jail policy and</p> <p>4 procedures manual with the blessing</p> <p>5 of the -- Sheriff Ricky Owens. And</p> <p>6 we put that into effect shortly</p> <p>7 thereafter and that's kind of what</p> <p>8 we used. That was referred to as</p> <p>9 the jail bible, the Jail Policy and</p> <p>10 Procedures book.</p> <p>11 Q. And was that something you</p> <p>12 just came up with or was that</p> <p>13 something that you took from --</p> <p>14 A. Oh, no, sir. I developed</p> <p>15 it from the jail -- the Alabama</p> <p>16 jail standards book that the</p> <p>17 Alabama Sheriff's Association</p> <p>18 provided to us as a go-by or</p> <p>19 standard.</p> <p>20 Q. Now, what accommodations</p> <p>21 did you have to deal with patients</p> <p>22 who had serious health problems?</p> <p>23 MR. WILLFORD: Patients?</p>

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<p style="text-align: right;">37</p> <p>1 Q. Inmates.</p> <p>2 MS. McDONALD: Let me --</p> <p>3 A. I'm not sure I understand</p> <p>4 your question.</p> <p>5 Q. I noticed when we were</p> <p>6 over there today you had isolation</p> <p>7 cells.</p> <p>8 A. Yes, sir.</p> <p>9 Q. Did you have policies</p> <p>10 drafted for dealing with -- in the</p> <p>11 time frame of 2003, 2004, for</p> <p>12 dealing with patients who had</p> <p>13 serious health problems?</p> <p>14 MS. McDONALD: Define</p> <p>15 serious.</p> <p>16 A. Yeah. It -- we -- I</p> <p>17 identified it in the jail policy</p> <p>18 book of how we would help and take</p> <p>19 care of those folks that had</p> <p>20 serious problems. So I'd have to</p> <p>21 refer to the jail policy of what we</p> <p>22 had in writing --</p> <p>23 Q. Well, what do you recall</p>	<p style="text-align: right;">39</p> <p>1 inmate developed a problem that</p> <p>2 they needed to see a doctor or a</p> <p>3 nurse about then they had -- it was</p> <p>4 spelled out to them in the policy</p> <p>5 book that they would fill out a</p> <p>6 request form for medical attention.</p> <p>7 And then we would pursue that</p> <p>8 medical request form and make</p> <p>9 themselves -- make them an</p> <p>10 appointment to see the local</p> <p>11 doctor.</p> <p>12 Q. And the local doctor being</p> <p>13 whom?</p> <p>14 A. Dr. Weaver, at that time.</p> <p>15 Q. And who made that</p> <p>16 arrangement that Dr. Weaver would</p> <p>17 be the one doing it?</p> <p>18 A. That was an agreement made</p> <p>19 from the county commissioners that</p> <p>20 we would use Dr. Weaver.</p> <p>21 Q. Would Dr. Weaver come into</p> <p>22 the jail?</p> <p>23 A. I don't recall him coming</p>
<p style="text-align: right;">38</p> <p>1 you were supposed to do if you had</p> <p>2 someone with a serious health</p> <p>3 problem?</p> <p>4 A. For the most part if they</p> <p>5 had -- an emergency situation we --</p> <p>6 the policy was that we always</p> <p>7 called the jail -- I mean, the EMS</p> <p>8 community to come in, first</p> <p>9 responders, to take a look at that</p> <p>10 and let them help us with that. We</p> <p>11 -- our policy, for the most part,</p> <p>12 was upon intake of an inmate we</p> <p>13 would make sure that we have a --</p> <p>14 go through a medical screening</p> <p>15 process to find out what kind of</p> <p>16 problems and issues they may have.</p> <p>17 And that would be documented in</p> <p>18 their inmate file. And so that</p> <p>19 would be identified so -- you know,</p> <p>20 it was -- have some knowledge of</p> <p>21 their issues.</p> <p>22 Then the process would</p> <p>23 work from that point where if an</p>	<p style="text-align: right;">40</p> <p>1 into the jail. We -- most of the</p> <p>2 time, as I recall, inmates would be</p> <p>3 taken -- walked across the street</p> <p>4 or driven across the street to Dr.</p> <p>5 Weaver's office. That's the way it</p> <p>6 usually worked.</p> <p>7 Q. I noticed there was an</p> <p>8 exam room in the jail. Was that</p> <p>9 ever -- was that ever used for</p> <p>10 doctors coming in to examine</p> <p>11 patients?</p> <p>12 A. I don't -- I can't say yes</p> <p>13 or no about that. I do recall at</p> <p>14 some -- some points in times there</p> <p>15 were -- and I'm not sure what their</p> <p>16 qualifications were -- come down</p> <p>17 from Cheaha Mental Health. And</p> <p>18 they would interview and talk to</p> <p>19 inmates sometimes if they needed --</p> <p>20 and they would use that room</p> <p>21 occasionally. But that's about it.</p> <p>22 Q. Did you ever have any</p> <p>23 policies or procedures that you</p>

10 (Pages 37 to 40)

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<p style="text-align: right;">41</p> <p>1 adopted to address patients who 2 suffered from seizures? 3 A. No, sir, I don't recall 4 that we had a specific policy for 5 someone with seizures. 6 Q. And you were aware that 7 Mr. Kelly had a problem with 8 seizures when he first came into 9 the jail? 10 MS. McDONALD: Which time? 11 Q. When he first came into 12 the jail in 2003. 13 MS. McDONALD: November of 14 2003? 15 A. As I recall -- I don't 16 remember if -- it seems like 17 seizures was mentioned but there 18 was other issues as well. But I 19 don't remember what problems he 20 had. 21 Q. Now, have you had problems 22 with people having seizures in the 23 jail before?</p>	<p style="text-align: right;">43</p> <p>1 Q. So you defer to the EMS 2 decision-makers about whether or 3 not -- 4 A. Yes, sir. 5 Q. -- the person is having a 6 seizure? 7 A. Yes, sir. 8 Q. And who makes the decision 9 about whether they need to go to 10 the hospital? 11 A. EMS always does. My guys 12 are not schooled or has any 13 knowledge of those kinds of things. 14 They know not to make those kinds 15 of decisions. 16 Q. And then what instruction 17 do you have for your people when 18 someone requests to see a doctor? 19 A. The policy would -- is 20 that once you get an inmate request 21 form for a medical attention they 22 certainly take a look -- have to go 23 back and talk with the inmate to</p>
<p style="text-align: right;">42</p> <p>1 A. Yes, sir, there's been 2 inmates that's had seizures before, 3 yes, sir. 4 Q. Do you have any guidelines 5 set up for inmates who have 6 seizures, what are you going to do 7 about it when they do? 8 A. No, sir, we don't have a 9 specific policy for seizures that 10 I'm aware of. 11 Q. Do you have any policy 12 about what do you do when someone 13 has, where do you take them, who 14 will see them? 15 A. Well, if he has a seizure 16 -- if there is a seizure indicated 17 then the health policy that's in 18 the jail policy book would 19 certainly be implemented by my 20 staff there that -- to call for EMS 21 first responders to assist and then 22 take it from there based on what 23 they suggest.</p>	<p style="text-align: right;">44</p> <p>1 find out if there's more 2 information there that they need to 3 obtain. And then certainly make 4 that appointment with Dr. Weaver as 5 soon as possible that -- based on 6 Dr. Weaver's schedule and then take 7 him over on the prescribed time. 8 Q. Well, what time frame do 9 you set out for when someone needs 10 to see a doctor? 11 A. That's a matter of making 12 the phone call to the doctor's 13 office and making that appointment. 14 I mean, really the doctor makes the 15 appointment. We just call to 16 facilitate the appointment and make 17 a note of the schedule based on 18 what the doctor -- when he can see 19 him. 20 Q. So it's just up to 21 whenever the doctor can see him? 22 A. Yes, sir. 23 Q. And if the doctor is not</p>

11 (Pages 41 to 44)



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<p style="text-align: right;">45</p> <p>1 available what do you do?</p> <p>2 A. And that has come up, I'm</p> <p>3 sure, over the years. I -- we have</p> <p>4 also referred inmates to Dr. James</p> <p>5 in Alexander City and he has seen</p> <p>6 inmates as well. So --</p> <p>7 Q. And who decided on Dr.</p> <p>8 James?</p> <p>9 A. If Dr. Weaver is not</p> <p>10 available then that -- I would</p> <p>11 assume that's just automatic, you</p> <p>12 know, try to make a phone call to</p> <p>13 Dr. James and see if he can see</p> <p>14 him.</p> <p>15 Q. Is that something that you</p> <p>16 arranged?</p> <p>17 A. Yes, sir. It's pretty</p> <p>18 much our practice that, you know,</p> <p>19 we know we've got to have somebody</p> <p>20 -- if we've got an inmate that</p> <p>21 needs to see a doctor, so -- and if</p> <p>22 Dr. Weaver is not available, if</p> <p>23 he's on vacation or whatever, that</p>	<p style="text-align: right;">47</p> <p>1 the policy.</p> <p>2 Q. So you delegated that</p> <p>3 to --</p> <p>4 A. Yes, sir, for the most</p> <p>5 part.</p> <p>6 Q. -- the sergeants to do?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Now, with respect to the</p> <p>9 situation with Bryan Kelly. Did</p> <p>10 you know him before he came into</p> <p>11 the jail in November of 2003?</p> <p>12 A. Yes, sir.</p> <p>13 Q. How did you know him?</p> <p>14 A. As a deputy working the</p> <p>15 road you get to know a lot of</p> <p>16 folks. And I knew Bryan as well as</p> <p>17 I know a lot of other folks out</p> <p>18 there that ride our roads, and</p> <p>19 family members. And I grew up as a</p> <p>20 young man knowing some of Bryan's</p> <p>21 relatives. So -- but I didn't know</p> <p>22 Bryan per se as a friend or</p> <p>23 anything. I just knew of him.</p>
<p style="text-align: right;">46</p> <p>1 would be something we'd have to do,</p> <p>2 is try to refer him to Dr. James.</p> <p>3 Q. And is this a policy that</p> <p>4 you instructed the people in the</p> <p>5 jail about?</p> <p>6 A. I don't know that I made</p> <p>7 it a written policy or anything</p> <p>8 like that. It was just kind of</p> <p>9 understood that we need to make</p> <p>10 sure that they were taken care --</p> <p>11 had their medical needs taken care</p> <p>12 of.</p> <p>13 Q. And were you the one</p> <p>14 responsible for providing that</p> <p>15 training for your folks, that they</p> <p>16 needed to call the doctor if</p> <p>17 someone needed a medical --</p> <p>18 A. I was one that kind of put</p> <p>19 the jail policy into effect with</p> <p>20 the blessing of the current</p> <p>21 sheriff, Sheriff Ricky Owens. And</p> <p>22 then Sergeant Wendy Roberson would</p> <p>23 ensure that everybody is trained to</p>	<p style="text-align: right;">48</p> <p>1 Q. And when he came into the</p> <p>2 jail were you made aware of his --</p> <p>3 were you the person who did the</p> <p>4 intake with him?</p> <p>5 A. I don't think I was the</p> <p>6 officer that did the intake that</p> <p>7 day. I don't -- I don't recall. I</p> <p>8 just don't recall if that was me or</p> <p>9 -- could have been. I'm not sure.</p> <p>10 I don't think it was me, though.</p> <p>11 Q. Now, any way you could</p> <p>12 find out?</p> <p>13 A. Yes, sir. Some of these</p> <p>14 records we've got here shows who</p> <p>15 took him in.</p> <p>16 MS. McDONALD: Let's look</p> <p>17 at --</p> <p>18 A. Let's see. Is this --</p> <p>19 MS. McDONALD: That's</p> <p>20 2004.</p> <p>21 THE WITNESS: Oh, yeah.</p> <p>22 MS. McDONALD: He's got</p> <p>23 numerous arrests in here.</p>

12 (Pages 45 to 48)



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<p style="text-align: right;">49</p> <p>1 THE WITNESS: Yeah, we've 2 got to go in reverse. Okay. 3 A. I'd have to look 4 through -- 5 MS. McDONALD: Here's 6 2003. 7 A. -- here but we should be 8 able to find that in here. So June 9 of '03 -- 10 MS. McDONALD: There's a 11 bunch. 12 THE WITNESS: Yeah. 13 MS. McDONALD: That's 14 March of '04. 15 THE WITNESS: Yeah. It's 16 not quite in any kind of order. 17 MS. McDONALD: Uh-uh. 18 THE WITNESS: Is that it? 19 MS. McDONALD: Uh-uh. 20 THE WITNESS: There's 21 March. 22 MS. McDONALD: There 23 March. Still more. There we go</p>	<p style="text-align: right;">51</p> <p>1 A. Yes, sir. 2 Q. And would have taken down 3 the information -- 4 A. Yes, sir. 5 Q. -- from him? 6 A. Yes, sir. 7 Q. Now, were you aware that 8 Mr. Kelly was moved to the holding 9 area on a permanent basis or 10 indefinite basis? 11 A. I knew that he was up 12 front. I did learn that through -- 13 I recall him being up front. 14 Q. And who made that 15 decision? 16 A. I don't know that I can 17 tell you who made that decision per 18 se. I would assume that it was 19 based on what was going on at the 20 time and I'm not sure how that 21 would have happened. Could have 22 been Sergeant Roberson. Could have 23 been me. Could have been the</p>
<p style="text-align: right;">50</p> <p>1 (indicating). 2 THE WITNESS: Okay. 3 MS. McDONALD: Let's see 4 if it's in here. 5 THE WITNESS: November the 6 13th? 7 MS. McDONALD: Yeah. 8 And -- 9 THE WITNESS: Yeah. 10 MS. McDONALD: -- it's got 11 the time -- 12 THE WITNESS: Yeah. 13 MS. McDONALD: -- on 14 the -- 15 A. The booking officer was 16 Roberson and he was brought over 17 from court, from Judge Rochester's 18 court. So there was no arresting 19 officer for that. 20 Q. (By Mr. Stockham) So it 21 would have been the sergeant who -- 22 A. Booked him in. 23 Q. -- booked him in?</p>	<p style="text-align: right;">52</p> <p>1 sheriff. I'm not sure. 2 Q. Are you aware of anyone 3 else that has been moved up front 4 for such a lengthy period of time? 5 MS. McDONALD: Object to 6 the form. 7 Q. You can answer. 8 A. No, sir. 9 Q. What was the reason that 10 he was -- that you understood he 11 was moved up front for that lengthy 12 period of time? 13 A. Do I -- what was your 14 question again? I'm not sure. 15 Q. Yes, sir. What was the 16 reason he was moved up front for 17 such a lengthy period of time? 18 A. As I recall, there was 19 several problems that he was 20 having. He was falling a lot, as I 21 recall. And so that was -- I'm -- 22 I would think that part of the 23 reason why he was moved up front</p>

13 (Pages 49 to 52)

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<p style="text-align: right;">53</p> <p>1 was so we could keep a closer eye 2 on him and help him, to keep him 3 closer to where we could tend with 4 him and help him with his medical 5 needs. 6 Q. Well, did you take him to 7 a doctor to see about him if you 8 moved him up because of -- 9 A. Oh, yes, sir. 10 Q. -- needing medical 11 observation? 12 A. Yes, sir. 13 Q. Which doctor did you take 14 him to? 15 A. Well, again, I'm assuming 16 -- I didn't personally take him to 17 him. I'm assuming that they took 18 him to Dr. Weaver. 19 Q. Do you know why he was 20 kept up front after he had been 21 taken to see Dr. Weaver? 22 MS. McDONALD: If you 23 don't know, don't --</p>	<p style="text-align: right;">55</p> <p>1 was Sheriff Ricky Owens. And two 2 two oh three was me. 3 Q. Do you have any reason to 4 doubt that those were the people 5 involved in making that decision? 6 A. No, sir. 7 MR. WILLFORD: Are you 8 looking for the record that -- 9 MR. STOCKHAM: Yeah. 10 MR. WILLFORD: -- has 11 that, Richard? 12 MR. STOCKHAM: Yeah, I am. 13 MR. WILLFORD: Okay. I 14 don't -- I'm just hoping that you 15 would show the witness -- 16 MR. STOCKHAM: That's what 17 I'm -- 18 MR. WILLFORD: -- the 19 document you're -- 20 MR. STOCKHAM: -- trying 21 to do. 22 MR. WILLFORD: -- talking 23 about.</p>
<p style="text-align: right;">54</p> <p>1 A. No, sir, I don't know. 2 Q. Have you, in preparing for 3 your deposition, looked into the 4 reason why he was kept up front? 5 A. No, sir. I mean, I don't 6 -- I don't know. 7 Q. Have you reviewed any of 8 the documents that indicate whose 9 decision it was that he would be 10 kept up front? 11 A. I've looked at some of 12 these documents but I don't know 13 that -- if it makes a determination 14 of who made that call. I don't 15 recall. 16 Q. Well, there is a document 17 in here that says that, per two oh 18 one and two oh three he would be 19 kept up front. Do you know who -- 20 I mean, excuse me, two two oh one 21 and two two oh three. Do you know 22 who that would be? 23 A. Two two oh one at the time</p>	<p style="text-align: right;">56</p> <p>1 MR. STOCKHAM: Exactly 2 what I'm trying to do. 3 Q. (By Mr. Stockham) I'll 4 show you what's -- 5 MS. McDONALD: This is -- 6 that's okay. 7 Q. I misspoke. It says, two 8 two one three and two two oh one. 9 A. Oh, okay. 10 Q. Who is two two one three? 11 A. Okay. Two two one three, 12 I believe that was Wendy. 13 Q. Okay. 14 A. Wendy Roberson, Sergeant 15 Roberson. 16 Q. So it would be, according 17 to the sheriff and per the sheriff 18 and Wendy Roberson he would be kept 19 up front -- 20 A. Yes, sir. That's what -- 21 Q. -- till further notice? 22 A. That's what that says. 23 Q. And were you consulted in</p>

14 (Pages 53 to 56)

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<p style="text-align: right;">57</p> <p>1 that decision-making?</p> <p>2 MS. McDONALD: If you</p> <p>3 remember.</p> <p>4 A. Don't -- can't -- don't</p> <p>5 recall.</p> <p>6 Q. Do you recall any</p> <p>7 discussion about Mr. Kelly having</p> <p>8 seizures and that was why he was</p> <p>9 being put there?</p> <p>10 A. Well -- I mean, there was</p> <p>11 discussion about him having medical</p> <p>12 issues and seizures was probably</p> <p>13 mentioned. I don't recall. It was</p> <p>14 -- it's been so long ago.</p> <p>15 Q. Now, did you work four or</p> <p>16 five days a week?</p> <p>17 A. As best as I can recall it</p> <p>18 was a -- kind of a mixed schedule.</p> <p>19 Because I'd have to work weekends,</p> <p>20 too, on Saturday and Sundays. So</p> <p>21 sometimes it was four, sometimes it</p> <p>22 was five, sometimes it was six days</p> <p>23 in a row. It was -- I was always</p>	<p style="text-align: right;">59</p> <p>1 drinking problem?</p> <p>2 A. No, sir. I know I've</p> <p>3 heard people talk about it but it</p> <p>4 mostly generated from a -- would be</p> <p>5 from inmates, is what we would hear</p> <p>6 occasionally.</p> <p>7 Q. Have you ever had anyone</p> <p>8 ask you to look into that?</p> <p>9 A. I don't recall that</p> <p>10 anybody asked me to look into it.</p> <p>11 If they did ask me I would</p> <p>12 certainly, you know -- you know, do</p> <p>13 what I could to look into it being</p> <p>14 the supervisor of sorts. And if I</p> <p>15 did I would refer it to Sergeant</p> <p>16 Roberson to kind of, you know, look</p> <p>17 into it. You know, I'd pass it on</p> <p>18 down to her.</p> <p>19 Q. Have you ever asked her to</p> <p>20 look into it?</p> <p>21 A. If it was -- I don't</p> <p>22 recall. I mean, if somebody made a</p> <p>23 comment about it I certainly</p>
<p style="text-align: right;">58</p> <p>1 scheduled for forty hours. That</p> <p>2 forty hours could be made in four</p> <p>3 days with ten hour shifts or five</p> <p>4 days with eight hour shifts. It</p> <p>5 just depends on what -- the needs</p> <p>6 of the sheriff's office at that</p> <p>7 time.</p> <p>8 Q. Was that something that</p> <p>9 was done in advance or something</p> <p>10 that just --</p> <p>11 A. Oh, yes, sir. There was</p> <p>12 always a schedule posted.</p> <p>13 Q. Who made that schedule?</p> <p>14 A. The chief deputy.</p> <p>15 Q. Now, have you ever had</p> <p>16 anyone make any complaints to you</p> <p>17 when you were the jail</p> <p>18 administrator about Al Bradley?</p> <p>19 A. Complaints?</p> <p>20 Q. Yes, sir.</p> <p>21 A. No, sir.</p> <p>22 Q. Anyone make any</p> <p>23 allegations to you that he had a</p>	<p style="text-align: right;">60</p> <p>1 didn't -- you know, wouldn't make a</p> <p>2 -- I would make sure that I passed</p> <p>3 it to his supervisor, which would</p> <p>4 be Sergeant Roberson, to -- you</p> <p>5 know, if there was something to be</p> <p>6 done.</p> <p>7 Q. Have you ever heard anyone</p> <p>8 say that Mr. Bradley had come to</p> <p>9 work intoxicated?</p> <p>10 A. I can't say that I've</p> <p>11 heard anyone specifically. I've</p> <p>12 heard that -- those kind of</p> <p>13 comments but nobody has -- you</p> <p>14 know, I can't tell you who said it</p> <p>15 or why they said it.</p> <p>16 Q. Have you ever seen Mr.</p> <p>17 Bradley intoxicated?</p> <p>18 A. No, sir.</p> <p>19 Q. At any time?</p> <p>20 A. No, sir. But I don't -- I</p> <p>21 don't socialize with Mr. Bradley.</p> <p>22 I -- you know, I wouldn't know his</p> <p>23 habits or anything.</p>

15 (Pages 57 to 60)

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<p style="text-align: right;">61</p> <p>1 Q. You were aware, were you 2 not, that Mr. Kelly was housed in 3 that holding cell for over a month, 4 weren't you? 5 MS. McDONALD: Object to 6 the form. 7 A. I was aware he was in the 8 holding cell. I don't recall the 9 dates, how many or anything. 10 Q. Were you -- you were made 11 aware of it on a daily basis, 12 weren't you? 13 A. I -- you know, I would 14 review the reports when I could, 15 you know, like I said. 16 Q. You initialed all the 17 reports, didn't you? 18 A. Yes, sir. I initialed all 19 the reports that came to me. 20 Q. And all the reports 21 reflect that he was in the holding 22 cell for that length of time -- 23 A. Could be.</p>	<p style="text-align: right;">63</p> <p>1 MR. STOCKHAM: I believe 2 it's December -- well, it varies 3 depending on the note. But in some 4 it reflects that he has been in 5 there since about the 12th. But -- 6 MS. McDONALD: If you 7 know, you know. If you don't -- 8 A. Yeah, I don't know. I 9 mean, I don't know the -- 10 Q. (By Mr. Stockham) But 11 you -- 12 A. -- number of days. 13 Q. You reviewed the notes on 14 a daily basis? 15 A. Yes, sir, I would review 16 the reports on a daily basis about 17 things. 18 Q. And did you ever look at 19 him while he was in there? 20 A. I've thought about back -- 21 back at it. I don't -- I may have 22 once or twice when I was -- be 23 bringing somebody in for arrest</p>
<p style="text-align: right;">62</p> <p>1 Q. -- didn't they? 2 A. I was -- I don't -- I 3 don't recall -- 4 MS. McDONALD: For how 5 long? 6 A. -- how many days. I just 7 know that, you know, I would 8 initial the reports to see what was 9 going on in the jail. 10 Q. And you don't know of 11 anyone in your entire time with 12 Coosa County that spent that long 13 in the holding cell, do you? 14 A. I don't recall. 15 MS. McDONALD: How long 16 are we -- what length of time are 17 we referring to? 18 MR. STOCKHAM: The length 19 of time of Mr. Kelly as reflected 20 in these notes. 21 MS. McDONALD: From 22 December the 20th until January 23 16th when he was released?</p>	<p style="text-align: right;">64</p> <p>1 or -- and may see him. But I don't 2 recall any specific day or time or 3 anything that I can point a finger 4 to. 5 Q. Were you there at the time 6 that the sheriff taped a piece of 7 paper over the window in the 8 holding cell? 9 MR. WILLFORD: Object to 10 the form. 11 MS. McDONALD: Same 12 objection. 13 MR. WILLFORD: You can 14 answer. 15 Q. Sir? 16 MS. McDONALD: If you 17 know, you know. 18 A. I don't know. I'm not 19 aware. 20 Q. Did you see the piece of 21 paper over the window when you 22 would come in there? 23 A. I don't recall.</p>

16 (Pages 61 to 64)

## Daniel Court Reporting, Inc.

<p style="text-align: right;">65</p> <p>1 Q. Now, you knew that he was 2 required to sleep on the floor, 3 were you not? 4 MS. McDONALD: Object to 5 the form. 6 A. No, sir. 7 Q. And that he was -- didn't 8 have a toilet to use in that room, 9 didn't you? 10 A. In the holding cell there 11 is a -- just the waste hole that, 12 you know. That's all that's in 13 there. 14 Q. And if he was in there and 15 he had to urinate or defecate he 16 had to urinate or defecate in that 17 hole, didn't he? 18 A. Well, that or be -- 19 MS. McDONALD: Object to 20 the form. 21 A. -- or allowed to be going 22 to a restroom. And -- 23 Q. And there was just one</p>	<p style="text-align: right;">67</p> <p>1 about that. 2 Q. Well, are you aware of him 3 ever getting it except -- 4 A. I don't have any knowledge 5 of that, sir. 6 Q. You didn't tell him -- 7 tell anyone that they needed to 8 make sure that he had water, did 9 you? 10 MS. McDONALD: Object to 11 the form. 12 A. No, sir. 13 Q. Now, Mr. Kelly asked you 14 when he was -- when you were going 15 to stop Mr. Bradley from hitting 16 him, didn't he? 17 MS. McDONALD: Object to 18 the form. 19 A. I don't recall. 20 Q. Sir? 21 A. I don't recall that. 22 Q. You just don't know one 23 way or the other?</p>
<p style="text-align: right;">66</p> <p>1 person downstairs at that time, 2 right? 3 A. It depends on which day, 4 you know. There was also people 5 there during the daytime that -- at 6 night mostly was one night person. 7 Q. And the -- he couldn't 8 flush it from inside, could he? 9 A. No, sir. It would have to 10 be flushed from the outside by the 11 corrections officer outside. 12 Q. And that's likewise true 13 with water. He couldn't get water 14 in that cell, could he? 15 A. That's right. He -- if he 16 wanted water he would request it 17 and we would get it for him. 18 Q. Well, you're aware that he 19 requested it and didn't get it, 20 aren't you? 21 MS. McDONALD: Object to 22 the form. 23 A. I don't know anything</p>	<p style="text-align: right;">68</p> <p>1 A. I just don't recall him 2 asking me that. 3 Q. And you're aware that he 4 has made that allegation, are you 5 not? 6 A. I think that was in the 7 papers that we got sent us to them 8 with the lawsuit. 9 Q. You sat in this room when 10 he gave his deposition, didn't you? 11 A. Yes, sir, I did. 12 Q. And he testified on page 13 one sixty-four of his deposition 14 that -- it says, one time he 15 grabbed me by the neck when I asked 16 him when they was going to stop Al 17 from doing that. Do you recall him 18 testifying to that? 19 A. I don't -- it's been a 20 while and I, you know, don't 21 recall. I mean, he may -- he may 22 have said that. I don't know. 23 Q. Did you do anything to</p>

17 (Pages 65 to 68)



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<p style="text-align: right;">69</p> <p>1 refresh your recollection one way 2 or the other when he made that 3 statement in your presence? 4 A. No, sir. I mean, I've got 5 -- we've just got the records here 6 and I've looked at the records, the 7 -- what we've got here. 8 Q. Now, you knew he had an 9 injury to his back, didn't you? 10 MS. McDONALD: Object to 11 the form. 12 A. It may have been one of 13 those issues that he identified 14 when he was brought in or 15 something. I'm not sure. Again, I 16 don't know. 17 Q. You -- he accused you of 18 shoving him into the cell and 19 hurting his lower back. Do you 20 deny that? 21 A. I do deny that. 22 Q. Are you -- you don't have 23 any recollection of it at all?</p>	<p style="text-align: right;">71</p> <p>1 says that or that it actually 2 happened? 3 Q. That it actually happened. 4 A. I don't recall. 5 Q. Well, in December and 6 January of 2003, 2004 it was cold, 7 wasn't it? 8 MS. McDONALD: Inside the 9 jail or outside? 10 Q. Inside the jail. 11 A. I'm sure it was a 12 comfortable degree that we had for 13 everybody to be able to work and 14 maintain a good working 15 environment. 16 Q. And the concrete floor of 17 that jail is cold, isn't it? 18 A. I would assume the 19 concrete is cold. 20 Q. And he was required to 21 sleep on a pallet down on that 22 concrete floor, wasn't he? 23 A. I don't know that.</p>
<p style="text-align: right;">70</p> <p>1 A. No, sir. 2 Q. Have you ever had any 3 scuffle or grapple with him? 4 A. No, sir. 5 Q. Do you remember talking 6 with him when he was in the holding 7 area? 8 A. I'm sure I probably at 9 least, you know, talked with him 10 occasionally. But I don't recall 11 any conversation with him or 12 anything. If I walked through the 13 jail and somebody says something to 14 me I talk -- I stop and talk with 15 them. 16 Q. And you're aware that he 17 says that he told you he was cold 18 but you told him that he just had 19 to deal with it; is that right? 20 A. I don't recall. 21 MR. WILLFORD: Is what 22 right? 23 MS. McDONALD: That Bryan</p>	<p style="text-align: right;">72</p> <p>1 Q. And he was -- he asked you 2 for toilet paper but you denied it 3 to him; isn't that right? 4 A. I don't -- 5 MS. McDONALD: Object to 6 the form. 7 A. I don't recall. 8 Q. You just don't know one 9 way or the other? 10 A. I don't know. I mean -- 11 Q. Well, if -- 12 A. I would like to say this. 13 If he needed toilet paper I would 14 make sure that we got him toilet 15 paper. I mean, that's a simple, 16 easy request to comply with, to 17 help him with. I mean, that 18 wouldn't -- I don't know why we 19 wouldn't give him toilet paper. 20 Q. Well, you know he had said 21 that he asked you several times for 22 toilet paper and you denied it to 23 him. He says he would bunch it up</p>

18 (Pages 69 to 72)



<p style="text-align: right;">73</p> <p>1 and use it because -- to wrap 2 around his feet. 3 A. I don't recall that. 4 Q. And he says that he asked 5 you for water on several occasions 6 but you didn't give it to him. Do 7 you deny refusing to give him 8 water? 9 A. No, sir. If he needed 10 water I made -- I -- if he had have 11 asked me for water I would give him 12 water. 13 Q. So you do remember that he 14 never asked you for water? 15 A. I don't recall him asking 16 me for water. 17 Q. He says he asked you for 18 toenail clippers but you refused to 19 give him that; is that right? 20 A. I don't recall. I mean -- 21 Q. If he had a problem -- 22 A. Sir, you're asking me to 23 try to remember something that was</p>	<p style="text-align: right;">75</p> <p>1 certain person or anybody that's 2 been up there for any length of 3 time. I just don't know. 4 Q. How long did you keep Ms. 5 Hawkins in the front holding cell? 6 A. I -- Ms. Hawkins? 7 Q. Yes. 8 A. I don't -- I don't know 9 who Ms. Hawkins is. 10 Q. She's reflected in some of 11 these notes as being placed in the 12 front holding cell. 13 A. I don't remember Ms. 14 Hawkins, sir. 15 Q. Now, you witnessed Mr. 16 Bradley in the cell with Mr. Kelly, 17 did you not? 18 A. Ask -- 19 Q. You saw Mr. Bradley when 20 he was in the cell with Mr. Kelly, 21 did you not, on more than one 22 occasion? 23 MS. McDONALD: Object to</p>
<p style="text-align: right;">74</p> <p>1 three or four years ago for -- I 2 just don't recall him asking me for 3 these things. 4 Q. Well, you just told me 5 that you've never had anyone else 6 spend that long in that front 7 holding cell. 8 MS. McDONALD: I don't 9 think that's what he said. 10 A. That's not what I said. 11 Q. Oh. Have you had someone 12 else -- 13 A. I said -- 14 Q. -- spend that long -- 15 A. I said I don't recall 16 anybody being up there for any 17 length of time. I don't know. 18 Q. Do you remember anyone 19 being longer than a week in the 20 holding cell other than Mr. Kelly? 21 A. No, sir, I don't recall. 22 I mean, I don't think there's 23 anything that I can tell you of a</p>	<p style="text-align: right;">76</p> <p>1 the form. 2 A. No, sir. 3 Q. In fact, you heard when 4 Mr. Kelly testified that you saw 5 Mr. Bradley trying to kick him in 6 the testicles, didn't you? 7 A. No, sir. 8 Q. Well, you heard him 9 testify to that, didn't you? 10 A. I heard him testify to 11 that. 12 Q. And he testified that you 13 laughed at him when that was going 14 on. You heard him say that? 15 A. I may have. I don't know. 16 MS. McDONALD: Are you 17 just wanting to know what he heard 18 your client testify to? 19 MR. STOCKHAM: Well, I 20 want to know his reaction to that. 21 MS. McDONALD: Well, 22 you're not asking that. You're 23 asking --</p>

19 (Pages 73 to 76)

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<p style="text-align: right;">77</p> <p>1 THE WITNESS: Yeah.</p> <p>2 MS. McDONALD: -- whether</p> <p>3 he heard Bryan testify to that --</p> <p>4 MR. STOCKHAM: That's</p> <p>5 what --</p> <p>6 MS. McDONALD: -- at his</p> <p>7 deposition.</p> <p>8 MR. STOCKHAM: Exactly.</p> <p>9 MS. McDONALD: Are you</p> <p>10 going to ask him whether or not it</p> <p>11 occurred?</p> <p>12 MR. STOCKHAM: Well,</p> <p>13 that's going to be my next</p> <p>14 question.</p> <p>15 Q. (By Mr. Stockham) So when</p> <p>16 you heard him make those</p> <p>17 allegations did you -- did that</p> <p>18 evoke any memories in your --</p> <p>19 A. No, sir.</p> <p>20 Q. Anything --</p> <p>21 A. There's --</p> <p>22 Q. -- like that at all?</p> <p>23 A. There is nothing that</p>	<p style="text-align: right;">79</p> <p>1 MS. McDONALD: -- know.</p> <p>2 We're not guessing.</p> <p>3 Q. Who would you go to to</p> <p>4 find out?</p> <p>5 A. I would ask my secretary</p> <p>6 who produced these for us. Those</p> <p>7 were record copies that we have in</p> <p>8 the record files.</p> <p>9 Q. Do you have a computer</p> <p>10 backup for these?</p> <p>11 A. I don't know.</p> <p>12 Q. And is there a -- do you</p> <p>13 have an IT or a computer person</p> <p>14 that runs your computers for you?</p> <p>15 A. No, sir. I mean, just my</p> <p>16 jail staff. There is no specific</p> <p>17 position for anybody that has</p> <p>18 computer skills or knowledge or</p> <p>19 anything. I mean, we all have to</p> <p>20 work on -- use computers for our</p> <p>21 job and that's about as far as it</p> <p>22 goes.</p> <p>23 Q. Who in your staff would be</p>
<p style="text-align: right;">78</p> <p>1 would come to my mind that would</p> <p>2 indicate that any of that happened.</p> <p>3 Q. Did you ever see Mr.</p> <p>4 Bradley in any situation that might</p> <p>5 have been -- might have looked like</p> <p>6 that?</p> <p>7 A. No, sir.</p> <p>8 Q. Now, I wanted to ask you</p> <p>9 about these records that you have</p> <p>10 initialed. Are there any of these</p> <p>11 records that are still on the</p> <p>12 computer that -- these day shift</p> <p>13 tower log --</p> <p>14 A. I don't --</p> <p>15 Q. -- or night shift tower</p> <p>16 log?</p> <p>17 A. I don't know that. I</p> <p>18 would probably -- if I was guessing</p> <p>19 I'd say --</p> <p>20 MS. McDONALD: Don't</p> <p>21 guess. If you don't know, you</p> <p>22 don't --</p> <p>23 A. Don't know.</p>	<p style="text-align: right;">80</p> <p>1 the one who would be -- you would</p> <p>2 look to to find a backup log of</p> <p>3 these entries?</p> <p>4 A. Joan -- you know, my</p> <p>5 secretary is who I'd have ask and</p> <p>6 -- that's all I know. I mean,</p> <p>7 that's where I go to to get all the</p> <p>8 records. She --</p> <p>9 Q. Where would you --</p> <p>10 A. -- has knowledge of</p> <p>11 records.</p> <p>12 Q. Where would you keep the</p> <p>13 -- where would she keep those, on a</p> <p>14 hard drive or do you have a backup</p> <p>15 storage that you --</p> <p>16 A. Don't know any of that.</p> <p>17 MS. McDONALD: These</p> <p>18 were --</p> <p>19 A. Filing cabinets is all I</p> <p>20 know as to what she gets that out</p> <p>21 of.</p> <p>22 MS. McDONALD: Hold on a</p> <p>23 second. These records would have</p>

20 (Pages 77 to 80)

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<p style="text-align: right;">81</p> <p>1 been generated at a time when he 2 was not the sheriff. Just -- 3 THE WITNESS: Right, yeah. 4 MS. McDONALD: He's the 5 sheriff now but he was not at 6 the -- 7 MR. STOCKHAM: I 8 understand. 9 THE WITNESS: Yeah. 10 MS. McDONALD: -- time. 11 So -- 12 Q. (By Mr. Stockham) But -- 13 and the reason I'm asking is that 14 they're in -- within your custody 15 right now. 16 A. Well -- 17 Q. So what I'm asking is what 18 -- if you were going to go now what 19 would you go and do, and you said 20 you'd go ask your secretary. 21 A. Right. 22 Q. Is she the person who was 23 the secretary at that time in 2003,</p>	<p style="text-align: right;">83</p> <p>1 Police Department. 2 Q. Now, did you have any 3 conversation with Mr. Owens about 4 his -- Mr. Owens -- with -- yeah, 5 with Mr. Owens about Mr. Kelly's 6 broken teeth? 7 A. I don't recall. 8 Q. Well, you were aware that 9 he broke his teeth in the jail? 10 MS. McDONALD: I object to 11 the form. 12 Q. Well, you were aware that 13 he went to the dentist? 14 A. I think I've seen in one 15 of these records where he went to 16 the dentist, yes, sir. 17 Q. And -- 18 MR. WILLFORD: Sheriff, if 19 I can just interject. You need to 20 answer out loud. 21 THE WITNESS: Oh, yes, 22 sir. 23 MR. WILLFORD: The</p>
<p style="text-align: right;">82</p> <p>1 2004? 2 A. Yes, sir. She's been 3 there a long time. 4 Q. So she would be the one 5 who would know? 6 A. She may, I don't know. 7 (Whereupon, an 8 off-the-record 9 discussion was held.) 10 Q. (By Mr. Stockham) Who is 11 Mike Rudd? 12 A. Mike Rudd is a police 13 officer -- was a deputy sheriff 14 here a short period of time, as I 15 recall. 16 Q. And was he a road deputy 17 or was he -- 18 A. Yes, sir. 19 Q. -- one working the jail? 20 A. One of the deputies, road 21 deputy. 22 Q. Where is he now? 23 A. He's over at Goodwater</p>	<p style="text-align: right;">84</p> <p>1 question before last you shook your 2 head side -- 3 THE WITNESS: Okay. 4 MR. WILLFORD: -- to side 5 and didn't say anything. 6 MS. McDONALD: I didn't 7 see you. Sorry. 8 THE WITNESS: Okay. I'm 9 sorry. I don't recall the 10 question. 11 MS. McDONALD: She'll kick 12 you in a minute. 13 THE WITNESS: Let me know 14 if I didn't answer. 15 Q. (By Mr. Stockham) And you 16 were aware that when he went to the 17 dentist his reason for going to the 18 dentist was that his teeth were 19 broken, were you not? 20 MS. McDONALD: Object to 21 the form. 22 A. No, sir. Don't recall 23 that.</p>

21 (Pages 81 to 84)

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<p style="text-align: right;">85</p> <p>1 Q. Mr. Kelly told you that he</p> <p>2 was -- Mr. Bradley had broken his</p> <p>3 teeth, didn't he?</p> <p>4 MS. McDONALD: Object.</p> <p>5 Q. Sir?</p> <p>6 A. What was your question</p> <p>7 again?</p> <p>8 Q. Mr. Kelly told you that</p> <p>9 Mr. Bradley had broken his teeth,</p> <p>10 didn't he?</p> <p>11 A. Told me that?</p> <p>12 Q. Yes, sir.</p> <p>13 A. No, sir. I don't -- he</p> <p>14 didn't tell me that. If I may,</p> <p>15 based on that question you just</p> <p>16 asked me, I've got an inmate</p> <p>17 medical request here from Mr. Kelly</p> <p>18 that says his tooth is hurting and</p> <p>19 that he needs to see a medical</p> <p>20 doctor to get -- something for</p> <p>21 pain, I think.</p> <p>22 Q. That's for his stomach,</p> <p>23 isn't it?</p>	<p style="text-align: right;">87</p> <p>1 Q. Is that what it says?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Whose handwriting is that</p> <p>4 on the bottom?</p> <p>5 A. I have no idea. I</p> <p>6 don't --</p> <p>7 Q. You don't --</p> <p>8 A. I don't see an initial or</p> <p>9 anybody to indicate which one --</p> <p>10 who wrote it.</p> <p>11 Q. So, will make doctor's</p> <p>12 appointment and get Robaxin</p> <p>13 refilled 1-2-04?</p> <p>14 A. Yes, sir.</p> <p>15 Q. So the response is on the</p> <p>16 2nd of January?</p> <p>17 A. Yes, sir, that's what's</p> <p>18 indicated.</p> <p>19 Q. That's not your</p> <p>20 handwriting, is it?</p> <p>21 A. No, sir.</p> <p>22 Q. Now, you're familiar with</p> <p>23 the fact that the reason given for</p>
<p style="text-align: right;">86</p> <p>1 A. No, sir. He's talking</p> <p>2 about a tooth is hurting. And --</p> <p>3 Q. Let me see that.</p> <p>4 A. We made a mental -- a</p> <p>5 dental appointment for him.</p> <p>6 Q. He --</p> <p>7 A. Yeah. And according to</p> <p>8 the --</p> <p>9 Q. It says he went on</p> <p>10 12-27-03?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Is that the entry?</p> <p>13 A. Yes, sir.</p> <p>14 Q. That says, right tooth is</p> <p>15 hurting and need to see medical</p> <p>16 doctor to get stomach pills.</p> <p>17 A. Okay. I couldn't read the</p> <p>18 stomach pills. I just saw the</p> <p>19 tooth is hurting.</p> <p>20 Q. It says, that "Medicalic"</p> <p>21 was keeping my back and toothache</p> <p>22 down.</p> <p>23 A. Yes, sir.</p>	<p style="text-align: right;">88</p> <p>1 moving Mr. Kelly to the front was</p> <p>2 for medical evaluation?</p> <p>3 A. I recall that the -- most</p> <p>4 of the time when he was brought up</p> <p>5 front was for medical observation,</p> <p>6 yes, sir.</p> <p>7 Q. You didn't have any doctor</p> <p>8 observing him, though, did you?</p> <p>9 A. No, sir.</p> <p>10 Q. And you didn't have anyone</p> <p>11 performing medical observation of</p> <p>12 him?</p> <p>13 A. Oh, no, sir. We --</p> <p>14 there's nobody certified to do</p> <p>15 anything like that.</p> <p>16 Q. So why did you call it a</p> <p>17 medical observation?</p> <p>18 A. To -- just to keep a --</p> <p>19 you know, it makes it -- when you</p> <p>20 bring somebody up front and you've</p> <p>21 got a person down there on the</p> <p>22 floor up front there at the booking</p> <p>23 station you've got somebody that's</p>

22 (Pages 85 to 88)

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<p>89</p> <p>1 closer to them and you could kind 2 of watch them and observe them and 3 see if they're getting better or 4 worse so that if we -- you know, 5 you need some immediate medical 6 care it's -- it makes it a lot 7 easier. 8 Q. Why would that differ from 9 someone who is just in the 10 population? 11 A. Well, it depends on what 12 -- you know, it depends on whether 13 or not their medical request 14 indicates that there was a problem 15 or something. You know, it all 16 starts with the inmate complaining 17 of a problem. And so we try to 18 help them and do what we can for 19 them. 20 Q. Well, the person in the 21 tower can see them in the 22 population, can't they? 23 A. He can, for the most part.</p>	<p>91</p> <p>1 they were being watched both ways. 2 Q. Well, the person watching 3 in the camera would be in the 4 tower, right? 5 A. Yes, sir. 6 Q. So they would be no closer 7 to the tower person either way, 8 would they? 9 A. For the tower person it's 10 the same. But by bringing them up 11 front you've got a person that can 12 render, you know, first aid if 13 necessary. And they can certainly 14 pay attention to their medical 15 needs a lot closer and quicker. 16 Q. How would they do that? 17 A. By being right there next 18 to them by the booking station. 19 Q. Well, the door is closed. 20 A. Yes, sir. 21 Q. And they had taped over 22 the window, hadn't they? 23 A. I don't recall any tape</p>
<p>90</p> <p>1 It just -- by bringing them up 2 front you've got a direct 3 connection with the person there 4 that's there to help them if there 5 is a medical need where you can 6 tend to them a lot closer. You're 7 way detached from a tower person 8 versus down in the cell block. 9 Q. Well, you can directly 10 observe them if you're in the 11 tower, can't you? 12 MR. WILLFORD: Observe 13 them where? 14 Q. In -- 15 A. Well, you can see them. 16 Q. In the population. 17 A. Yeah. 18 Q. You can't directly observe 19 them when you're in the -- when 20 they're in the holding cell, can 21 you? 22 A. Well, in the holding cells 23 we also have cameras and they --</p>	<p>92</p> <p>1 over a window. 2 Q. Well, if he taped over the 3 window how is he going to observe 4 him? The only person that could 5 observe him would be someone in the 6 tower, right? 7 A. Right. And the person in 8 the tower, if he sees something 9 then he can radio the person down 10 on the floor to render assistance 11 there immediately by being up 12 front. 13 Q. Unless the person up front 14 is actually in the jail? 15 A. Yes, sir. I mean, that's 16 a limiting factor that we have 17 with a limited number of staff 18 members. 19 Q. In fact, if he were in 20 population you have other people 21 there that could help him. 22 A. Other inmates? 23 Q. Yeah.</p>

23 (Pages 89 to 92)



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<p style="text-align: right;">93</p> <p>1 A. I don't know about that.</p> <p>2 Q. Well, y'all have trustees</p> <p>3 help people all the time, don't</p> <p>4 you?</p> <p>5 A. Trustees help us in moving</p> <p>6 mop buckets around and things like</p> <p>7 that.</p> <p>8 MS. McDONALD: They clean.</p> <p>9 Q. They serve people food?</p> <p>10 A. They do. They help serve</p> <p>11 the trays.</p> <p>12 Q. And they cook the food?</p> <p>13 A. Yes, sir.</p> <p>14 MS. McDONALD: Can we take</p> <p>15 a break real quick?</p> <p>16 MR. STOCKHAM: Yeah.</p> <p>17 (Whereupon, an</p> <p>18 off-the-record</p> <p>19 discussion was held.)</p> <p>20 (Whereupon, a brief</p> <p>21 recess was taken in</p> <p>22 the deposition.)</p> <p>23 Q. (By Mr. Stockham) Have</p>	<p style="text-align: right;">95</p> <p>1 not able to treat patients with</p> <p>2 severe heart problems, are you?</p> <p>3 MS. McDONALD: Object to</p> <p>4 the form. He doesn't treat</p> <p>5 anybody.</p> <p>6 A. I don't treat anybody.</p> <p>7 Q. Sir?</p> <p>8 A. No, sir.</p> <p>9 Q. And can you house inmates</p> <p>10 with -- who've suffered heart</p> <p>11 attacks and have heart problems?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And people who are</p> <p>14 suffering convulsions or seizures?</p> <p>15 A. We've had some sick</p> <p>16 inmates in the jail, yes, sir.</p> <p>17 Q. And you don't transfer</p> <p>18 them?</p> <p>19 A. No, sir. I mean, I don't</p> <p>20 know where I'd send them to.</p> <p>21 MS. McDONALD: That's all.</p> <p>22 Just --</p> <p>23 A. That's all there is to it.</p>
<p style="text-align: right;">94</p> <p>1 you ever had an inmate in the Coosa</p> <p>2 County jail since you have been</p> <p>3 deployed here who you have</p> <p>4 transferred to another facility</p> <p>5 because you weren't able to attend</p> <p>6 to their medical needs?</p> <p>7 A. I don't -- I don't recall</p> <p>8 that. It's -- you know. I just</p> <p>9 don't recall a specific name or</p> <p>10 anything like that.</p> <p>11 Q. Do you have any procedure</p> <p>12 that you have for determining</p> <p>13 whether or not that you need to</p> <p>14 transfer an inmate to another</p> <p>15 facility who has -- a facility that</p> <p>16 has better -- capable of dealing</p> <p>17 with --</p> <p>18 A. I don't -- I can't recall</p> <p>19 us ever doing that. I can't</p> <p>20 imagine why another sheriff would</p> <p>21 want for us to pawn off one of our</p> <p>22 inmates on them for a medical need.</p> <p>23 Q. Well, are you -- you're</p>	<p style="text-align: right;">96</p> <p>1 Q. And who --</p> <p>2 MS. McDONALD: --</p> <p>3 answer --</p> <p>4 Q. Who do you determine --</p> <p>5 who in your chain of command makes</p> <p>6 the decision about whether someone</p> <p>7 is to be sent to a hospital?</p> <p>8 A. Do you want me to answer</p> <p>9 that as I am now, the current</p> <p>10 sheriff, or how I was back as a</p> <p>11 lieutenant?</p> <p>12 Q. Back in 2003.</p> <p>13 A. Okay. Back in 2003. Say</p> <p>14 the question again.</p> <p>15 Q. Who in the chain of</p> <p>16 command determines when an inmate</p> <p>17 needs to go to a hospital?</p> <p>18 A. Oh. The medical request</p> <p>19 form is filled out and then we</p> <p>20 facilitate them to the doctor. If</p> <p>21 the doctor refers him to the</p> <p>22 hospital or if it's an emergency</p> <p>23 call the EMS community first</p>

24 (Pages 93 to 96)



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<p style="text-align: right;">97</p> <p>1 responders that come there do. We</p> <p>2 refer, you know, all of those</p> <p>3 situations with them.</p> <p>4 Q. Who in the EMS community</p> <p>5 makes --</p> <p>6 A. That would be the</p> <p>7 paramedic that responds to the jail</p> <p>8 for that need.</p> <p>9 Q. Who is that?</p> <p>10 A. Oh. We dial an ambulance</p> <p>11 up and they come to the jail and</p> <p>12 it's left up to them, you know, for</p> <p>13 them to look at and see what they</p> <p>14 need to do.</p> <p>15 Q. If they determine that</p> <p>16 someone needs to go to a hospital</p> <p>17 then you defer to that?</p> <p>18 A. Yes, sir.</p> <p>19 Q. It's not a determination?</p> <p>20 A. I --</p> <p>21 Q. It's not a determination</p> <p>22 that someone in the jail makes?</p> <p>23 A. Oh, no, sir. No, sir.</p>	<p style="text-align: right;">99</p> <p>1 MS. McDONALD: -- or if</p> <p>2 they --</p> <p>3 A. If they see the seizure,</p> <p>4 yes, sir.</p> <p>5 Q. Yes, sir.</p> <p>6 A. Yes, sir.</p> <p>7 Q. And what training have you</p> <p>8 provided your staff -- your jail</p> <p>9 staff to identify a seizure?</p> <p>10 A. I don't have a -- I don't</p> <p>11 train my officers to be -- to treat</p> <p>12 inmates at all or to do any of that</p> <p>13 stuff. So I don't have a seizure</p> <p>14 policy per se.</p> <p>15 Q. Well, your jail manual</p> <p>16 policies and procedures</p> <p>17 specifically identifies seizures as</p> <p>18 an example of a medical emergency,</p> <p>19 doesn't it?</p> <p>20 A. Yes, sir. I'm assuming</p> <p>21 that's identified as an example of</p> <p>22 a medical need to call the EMS</p> <p>23 community.</p>
<p style="text-align: right;">98</p> <p>1 Q. And what do you do if</p> <p>2 someone determines -- an EMS person</p> <p>3 determines that a person needs to</p> <p>4 go to the hospital?</p> <p>5 A. Then it's a matter of</p> <p>6 determining transport. If the</p> <p>7 inmate needs to be transported by</p> <p>8 ambulance then the ambulance takes</p> <p>9 them. If there is not a need for a</p> <p>10 transport but they suggest that</p> <p>11 maybe the inmate needs to be taken</p> <p>12 then we may even sometimes have a</p> <p>13 transport officer or a deputy to</p> <p>14 transport, depending on the</p> <p>15 situation that occurred.</p> <p>16 Q. Is a seizure an occasion</p> <p>17 that you would call an EMS?</p> <p>18 A. Yes, sir. If there is a</p> <p>19 seizure we call EMS.</p> <p>20 Q. On every occasion?</p> <p>21 MS. McDONALD: If they see</p> <p>22 it --</p> <p>23 A. If they --</p>	<p style="text-align: right;">100</p> <p>1 Q. And that's something that</p> <p>2 puts on the corporal to determine</p> <p>3 if a seizure is occurring?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And what I'm asking is</p> <p>6 what training do you provide the</p> <p>7 corporal for him to be able to</p> <p>8 identify if a seizure is occurring?</p> <p>9 A. Observation. You know,</p> <p>10 that's all you can do as a corporal</p> <p>11 out there or as a corrections</p> <p>12 officer. If you see that there is</p> <p>13 an emergency medical need the</p> <p>14 policy is you call an ambulance.</p> <p>15 Q. Well, in the case of Mr.</p> <p>16 Kelly, he was falling down a lot.</p> <p>17 You --</p> <p>18 MS. McDONALD: Object to</p> <p>19 the form.</p> <p>20 Q. -- were aware of that --</p> <p>21 you've already testified that you</p> <p>22 were aware that he was falling</p> <p>23 down.</p>

25 (Pages 97 to 100)

<p style="text-align: right;">101</p> <p>1 A. I recall he had --</p> <p>2 Q. And --</p> <p>3 A. -- times when he fell.</p> <p>4 Q. And do you know whether or</p> <p>5 not he was having seizures on each</p> <p>6 of those occasions?</p> <p>7 A. I wouldn't know.</p> <p>8 Q. Did anyone make any</p> <p>9 determination that he was having</p> <p>10 seizures on each of those</p> <p>11 occasions?</p> <p>12 A. Not that I recall. I</p> <p>13 don't know.</p> <p>14 Q. Who would be responsible</p> <p>15 for making that determination, that</p> <p>16 each -- whether or not his falls</p> <p>17 were seizure related or not?</p> <p>18 A. Observation based on the</p> <p>19 corrections officer, what he saw or</p> <p>20 what he heard, what was said. And</p> <p>21 if there's a -- there is a seizure</p> <p>22 in action then obviously that would</p> <p>23 be something that you would --</p>	<p style="text-align: right;">103</p> <p>1 observation of the officer that's</p> <p>2 on duty, what he saw.</p> <p>3 Q. If a person reported they</p> <p>4 had just had a seizure would you</p> <p>5 call the EMS to follow up with them</p> <p>6 to see whether they were having any</p> <p>7 further complications from the</p> <p>8 seizure?</p> <p>9 MR. WILLFORD: Object to</p> <p>10 the form.</p> <p>11 MS. McDONALD: Same</p> <p>12 objection.</p> <p>13 Q. You can answer.</p> <p>14 MS. McDONALD: If you --</p> <p>15 Q. You have to answer.</p> <p>16 A. I don't -- I don't have an</p> <p>17 answer. I mean, I don't know what</p> <p>18 -- you know, I don't know how to</p> <p>19 answer your question. I mean --</p> <p>20 Q. Do you have a policy for</p> <p>21 pursuing if someone says they've</p> <p>22 had a seizure --</p> <p>23 A. No, sir, don't have a</p>
<p style="text-align: right;">102</p> <p>1 alert to his attention to call</p> <p>2 emergency medical. But if it's</p> <p>3 after the fact and they don't see</p> <p>4 it, don't know it and -- you know,</p> <p>5 how do you know?</p> <p>6 Q. Well, if another inmate</p> <p>7 reports that someone was having a</p> <p>8 seizure would you call an emergency</p> <p>9 medical person then?</p> <p>10 MS. McDONALD: A report</p> <p>11 that he had it or he's having one?</p> <p>12 Q. He's had it.</p> <p>13 A. I don't know -- you know,</p> <p>14 I don't know if an inmate -- you</p> <p>15 can't -- you know, you can't always</p> <p>16 go with what other inmates say.</p> <p>17 You have to kind of just look into</p> <p>18 it yourself and you have to take it</p> <p>19 at face value.</p> <p>20 Q. Well, if someone has had a</p> <p>21 seizure would you call the EMS if</p> <p>22 the seizure is over?</p> <p>23 A. Again, based on the</p>	<p style="text-align: right;">104</p> <p>1 policy.</p> <p>2 Q. The policy and procedure</p> <p>3 manual that I have been given</p> <p>4 today, has this been changed since</p> <p>5 the time that Mr. Owens was there?</p> <p>6 A. Yes, sir. I have revised</p> <p>7 it with some updates under my</p> <p>8 direction.</p> <p>9 Q. What updates have you</p> <p>10 added?</p> <p>11 A. I don't recall specifics.</p> <p>12 Q. Have you added any updates</p> <p>13 with regard to the medical</p> <p>14 attention that inmates are given?</p> <p>15 A. Again, I don't recall. I</p> <p>16 mean, it's been revised but I'm not</p> <p>17 sure if there is anything changed</p> <p>18 in the medical section.</p> <p>19 Q. Do you still refer them to</p> <p>20 Dr. Weaver?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Do you still refer them to</p> <p>23 Dr. James?</p>

26 (Pages 101 to 104)

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<p style="text-align: right;">105</p> <p>1 A. Yes, sir.</p> <p>2 MR. STOCKHAM: I believe</p> <p>3 that's all.</p> <p>4 MS. McDONALD: I have a</p> <p>5 couple of questions.</p> <p>6</p> <p>7 EXAMINATION BY MS. McDONALD:</p> <p>8 Q. Sheriff Wilson, in</p> <p>9 November of 2003 you were, I think</p> <p>10 what you said, the day shift</p> <p>11 deputy?</p> <p>12 A. Yes, sir. Yes, ma'am.</p> <p>13 Q. As a day shift deputy how</p> <p>14 much time would you spend on the</p> <p>15 road versus in the jail?</p> <p>16 A. There were days where I</p> <p>17 was on the road all day long.</p> <p>18 Q. That you never went in the</p> <p>19 jail?</p> <p>20 A. That I never went in the</p> <p>21 jail. Depending on the call</p> <p>22 volume. There were days where I</p> <p>23 might be in the SO doing paperwork</p>	<p style="text-align: right;">107</p> <p>1 hurting on December 27th of '03, is</p> <p>2 there also a record that shows that</p> <p>3 he was taken to a dentist and what</p> <p>4 the dentist did?</p> <p>5 A. I believe there was a --</p> <p>6 when they go to the dentist they</p> <p>7 have to fill out a form. Let me</p> <p>8 see here.</p> <p>9 (Witness examining</p> <p>10 documents.)</p> <p>11 (Whereupon, an</p> <p>12 off-the-record</p> <p>13 discussion was held.)</p> <p>14 A. There is a doctor visit</p> <p>15 form here in the file that</p> <p>16 indicates that on January the 14th</p> <p>17 Bryan Kelly had a tooth pulled.</p> <p>18 Q. (By Ms. McDonald) Okay.</p> <p>19 A. By Dr. Curry.</p> <p>20 Q. Is he the dentist that</p> <p>21 y'all take them to if they need to</p> <p>22 see a dentist?</p> <p>23 A. Right. At that time that</p>
<p style="text-align: right;">106</p> <p>1 back in the office. To give a</p> <p>2 percentage, a high percentage of it</p> <p>3 was on the road or in the office</p> <p>4 doing things, not in the jail.</p> <p>5 Q. And when you reviewed the</p> <p>6 reports, the shift reports, would</p> <p>7 you review those to determine how</p> <p>8 long somebody may have been in a</p> <p>9 particular cell?</p> <p>10 A. No, ma'am. What I was</p> <p>11 looking for was to kind of look at</p> <p>12 the overall picture of things, what</p> <p>13 was going on in the jail, and look</p> <p>14 for any significant big problems,</p> <p>15 big issues, serious issues that I</p> <p>16 need to -- might need to help with</p> <p>17 in --</p> <p>18 Q. Okay.</p> <p>19 A. -- the management area.</p> <p>20 Q. And the record from --</p> <p>21 let's see -- where Mr. Kelly</p> <p>22 requested that he be taken to a</p> <p>23 dentist because his right tooth was</p>	<p style="text-align: right;">108</p> <p>1 was the dentist who we took them</p> <p>2 to.</p> <p>3 Q. And on Mr. Kelly's request</p> <p>4 to see a dentist is there anything</p> <p>5 about his teeth on the right side</p> <p>6 being cracked or broken?</p> <p>7 A. No, ma'am. It just</p> <p>8 indicates that his tooth is hurting</p> <p>9 -- teeth are hurting.</p> <p>10 Q. To your knowledge after</p> <p>11 looking at some of these records</p> <p>12 today did Mr. Kelly ever tell</p> <p>13 anybody at the jail that he was</p> <p>14 going to save up all his pills and</p> <p>15 take them so he could commit</p> <p>16 suicide?</p> <p>17 A. I think there is something</p> <p>18 in one of the records.</p> <p>19 Here on December the 19th</p> <p>20 on the night shift report at</p> <p>21 eighteen hundred and eleven hours</p> <p>22 he -- twenty-two fifty-six --</p> <p>23 that's going to be either Taylor or</p>

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<p style="text-align: right;">109</p> <p>1 Harris or Green. Those three were 2 on duty. Advised that Kelly told 3 him that he's been saving up his 4 pills for a while, up to twenty, so 5 that he could take them all at 6 once, not to hurt himself but to 7 get all the good out of them, get 8 messed up. And said he knows how 9 to hide them so that we can't find 10 them. And that -- 11 Q. Is there indication that 12 they searched his cell? 13 A. It does not say anything 14 about that. 15 Q. Is there mention of him 16 trying to commit suicide any other 17 way? 18 A. It said that Kelly also 19 states that he wanted -- wanted to 20 do so to -- he could remove the 21 lights from the fixture and kill 22 himself or a corrections officer if 23 he wanted to do so.</p>	<p style="text-align: right;">111</p> <p>1 he needed to be taken to a hospital 2 would y'all have taken him? 3 A. Yes. No question. 4 Q. Do the day shift tower 5 logs or night shift tower logs 6 indicate when someone is taken from 7 a holding cell to get a shower? 8 A. As I recall looking 9 through some of them then and 10 certainly now, there are 11 indications that they are removed 12 and taken back and forth when 13 they're moved around. 14 Q. So the log should indicate 15 when he was taken out to get a 16 shower, correct? 17 A. Yes, ma'am. 18 Q. Now, what he chose to do 19 when he got to the shower or got in 20 a shower was strictly up to him, 21 whether he bathed or not, was it 22 not? 23 A. That's right.</p>
<p style="text-align: right;">110</p> <p>1 Q. On December the 16th, '03, 2 the night shift report, does that 3 indicate where Mr. Kelly is 4 currently being housed, on December 5 the 16th of 2003? 6 A. At nineteen fifty hours 7 loud noise is coming from the B 8 block, according to this report 9 from the folks that was on shift. 10 It says that Kelly fell down and 11 knocked the mop bucket over and he 12 is lying on the floor. He said he 13 hit his head and hurt his back, 14 also that one leg was becoming 15 numb. And according to this report 16 EMS Two and Rockford Fourteen, 17 which are first responders, came to 18 check him out. They did not think 19 it was necessary for him to go to 20 the hospital. He was taken to the 21 holding cell for medical 22 observation. 23 Q. If the EMS had indicated</p>	<p style="text-align: right;">112</p> <p>1 MS. McDONALD: I don't 2 have anything else. 3 4 EXAMINATION BY MR. WILLFORD: 5 Q. Sheriff, we took a tour of 6 the jail earlier today, correct? 7 A. Yes, sir. 8 Q. And while we were up there 9 in what I believe was the tower I 10 noticed that there was one guard on 11 duty. Was that pretty much 12 standard practice in 2003, 2004 as 13 well? 14 A. Yes, sir. 15 Q. That you would have one 16 guard in the tower? 17 A. Correct. 18 Q. And, again, based on the 19 observations that I made today it 20 appeared that that tower guard has 21 control over the electronic doors 22 in the jail; is that correct? 23 A. That's right, sir. That</p>

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<p style="text-align: right;">113</p> <p>1 tower guard is the one that allows 2 people to come and go through the 3 electronic doors. 4 Q. We also saw some monitors 5 in there that were tied to some 6 cameras in the jail; is that 7 correct? 8 A. Yes, sir. 9 Q. Was that the same way in 10 2003? 11 A. Yes, sir. I think the -- 12 there is maybe some more cameras 13 been added since then and certainly 14 a more updated system now. 15 Q. Right. But in 2003, 2004 16 there was a monitor in the tower to 17 look at the cameras that were in 18 the jail at the time -- 19 A. Yes, sir. 20 Q. -- is that right? 21 A. That's correct. 22 Q. The guard that is assigned 23 to the tower -- and I want to have</p>	<p style="text-align: right;">115</p> <p>1 cameras inside of the cell blocks? 2 A. No, sir, not inside the 3 cell blocks. 4 Q. And is that because you 5 can actually see into the cell 6 blocks -- 7 A. Yes, sir. 8 Q. -- from the tower? 9 A. Yes, sir. There are some 10 -- in 2003 there was no cameras in 11 the cell block. 12 Q. I'm sorry. Yeah. That's 13 -- again, that's what I'm asking -- 14 A. Yeah. 15 Q. -- is 2003 -- 16 A. Right. 17 Q. -- and 2004. 18 A. Right. 19 Q. Would there have been 20 cameras in the individual cells in 21 the cell blocks? 22 A. No, sir, no cameras. 23 Q. In the booking area of the</p>
<p style="text-align: right;">114</p> <p>1 the same understanding between you 2 and me that you had with Richard, 3 and that is that we're talking 4 about the 2003, 2004 -- 5 A. Right. 6 Q. -- time frame in my 7 questions here. 8 Would that guard have been 9 able to leave the tower without 10 being relieved? 11 A. No, sir. That guard has 12 to be there in order to control the 13 comings and goings of all the 14 electronic doors. And has the sole 15 responsibility of kind of watching 16 over the inmates. 17 Q. Would it be fair to say 18 that that tower guard has control 19 of the entire jail? 20 A. Yes, sir. 21 Q. We also were able to see 22 from the tower inside the 23 individual cell blocks. Are there</p>	<p style="text-align: right;">116</p> <p>1 jail how many officers would you 2 have had up there in 2003, 2004? 3 A. Difference of day shift 4 versus night shift. 5 Q. Let's start with the day 6 shift. How many officers would you 7 have had on duty during the day in 8 the booking area? 9 A. Okay. On a normal day 10 shift you've got one assigned. 11 That's your twelve hour shift 12 person. In addition to that you 13 have the -- you -- we had the 14 sergeant and her assistant. They 15 would be in and out throughout the 16 entire facility, but would be 17 available to help. 18 Q. So at any one time there 19 would have been from one to -- 20 A. Three. 21 Q. -- three people -- 22 A. Yes, sir. 23 Q. -- present in the booking</p>

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<p style="text-align: right;">117</p> <p>1 area?</p> <p>2 A. During daytime Monday</p> <p>3 through Friday.</p> <p>4 Q. All right.</p> <p>5 A. At nighttime --</p> <p>6 Q. Night shift.</p> <p>7 A. -- only one person by</p> <p>8 themselves, twelve hour shift.</p> <p>9 Q. That person stays in the</p> <p>10 booking area or stayed in the</p> <p>11 booking area; is that correct?</p> <p>12 A. No, sir. That person is</p> <p>13 the, what you call, the downstairs</p> <p>14 corrections officer. And that</p> <p>15 person's duties take them -- well,</p> <p>16 whatever needs to be done on the</p> <p>17 bottom floor, to include booking,</p> <p>18 to include assisting inmates in the</p> <p>19 rear, to -- you know, dispensing</p> <p>20 medicine and meals to the inmates.</p> <p>21 Q. If they worked -- if the</p> <p>22 downstairs person at night weren't</p> <p>23 doing some other tasking in the</p>	<p style="text-align: right;">119</p> <p>1 Q. -- request form?</p> <p>2 A. Any time.</p> <p>3 Q. So if an inmate had come</p> <p>4 to, say, any correction officer and</p> <p>5 said, I've had a medical problem, I</p> <p>6 need to see a doctor, they would</p> <p>7 have been given an opportunity to</p> <p>8 fill out --</p> <p>9 A. Right.</p> <p>10 Q. -- a form?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And could have gotten</p> <p>13 medical attention then?</p> <p>14 A. Yes, sir. That's the way</p> <p>15 it is.</p> <p>16 MR. WILLFORD: That's all</p> <p>17 I have. Thank you.</p> <p>18 MS. McDONALD: Nothing</p> <p>19 else.</p> <p>20</p> <p>21 REEXAMINATION BY MR. STOCKHAM:</p> <p>22 Q. The only follow-up I have</p> <p>23 based upon what he asked, was --</p>
<p style="text-align: right;">118</p> <p>1 jail where would that officer's</p> <p>2 duty station be?</p> <p>3 A. Primarily there in the</p> <p>4 dispatch area because that -- they</p> <p>5 were -- they also assist with</p> <p>6 dispatching. That's what they do</p> <p>7 there.</p> <p>8 Q. And just so I'm clear --</p> <p>9 and this was kind of touched off by</p> <p>10 a question that Richard asked you.</p> <p>11 Was the policy in 2003, 2004 that</p> <p>12 an inmate could request medical</p> <p>13 care for any reason at all?</p> <p>14 A. I mean, yes, sir. They --</p> <p>15 we didn't deny them to fill out a</p> <p>16 medical request form and take a</p> <p>17 look at it.</p> <p>18 Q. And that's what I was</p> <p>19 getting at.</p> <p>20 A. Yes.</p> <p>21 Q. They could fill out a</p> <p>22 medical --</p> <p>23 A. Oh, yes, sir.</p>	<p style="text-align: right;">120</p> <p>1 you say in the daytime you'd have</p> <p>2 one to three people in the booking</p> <p>3 area?</p> <p>4 A. Could be in the booking</p> <p>5 area. There was other -- two</p> <p>6 people. There's the sergeant and</p> <p>7 the corporal and they were in and</p> <p>8 out throughout the entire building,</p> <p>9 if you will.</p> <p>10 Q. Well, the daytime person</p> <p>11 downstairs has to go and tend to</p> <p>12 the jail also, don't -- doesn't he?</p> <p>13 A. Yes, sir.</p> <p>14 Q. So there would be times</p> <p>15 when no one would be in the booking</p> <p>16 area during the daytime?</p> <p>17 A. That's correct. It can</p> <p>18 be. It depends on what was going</p> <p>19 on.</p> <p>20 MR. STOCKHAM: That's all</p> <p>21 I have.</p> <p>22</p> <p>23 FURTHER THE DEPONENT SAITH NOT</p>

30 (Pages 117 to 120)



<p style="text-align: right;">121</p> <p>1       C E R T I F I C A T E 2 3     S T A T E   O F   A L A B A M A   ) 4     J E F F E R S O N   C O U N T Y   ) 5 6       I hereby certify that the above 7     and foregoing deposition was taken 8     down by me in stenotype, and the 9     questions and answers thereto were 10    reduced to typewriting under my 11    supervision, and that the foregoing 12    represents a true and correct 13    transcript of the deposition given 14    by said witness upon said hearing. 15       I further certify that I am 16    neither of counsel nor kin to the 17    parties to the action, nor am I in 18    anywise interested in the result of 19    said cause. 20 21 22       _____ 23     Sandra Peebles Daniel       Commissioner</p>	

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